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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,801	12/22/2000	Colm Prendergast	A0312/7387/MXS	4649

7590

04/16/2004

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600 Atlantic Avenue  
Boston, MA 02210

EXAMINER
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JAMAL, ALEXANDER

ART UNIT	PAPER NUMBER
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2643

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DATE MAILED: 04/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/747,801

Applicant(s)

PRENDERGAST ET AL.

Examiner

Alexander Jamal

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6.7.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. **Claim 7** objected to because of the following informalities: Claim depends from itself.

Examiner assumes the claim should depend from claim 6. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. **Claim 15** rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: The relation between the phone line and the output data-stream. The claim appears to be incomplete.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-7** rejected under 35 U.S.C. 102(e) as being anticipated by Nabicht et al. (6621346).

As per **claim 1**, Nabicht discloses a telephony device (Analog Front End 12 in Fig. 3) that is connected to a telephone line (via line driver 14 in Fig. 3) that may support various protocols (ADSL line: ABSTRACT). His device comprises termination impedance circuit 56 (Fig. 5) to provide a termination impedance of the device. The impedance is selectable based upon the protocol (the gain of the receive path amplifier) that is being supported (Col 8 lines 19-53).

As per **claims 4/5**, Nabicht discloses a termination impedance circuit (Fig. 5) with selectable impedance as per the rejection of claim 1.

As per **claims 2,6**, the circuit comprises first impedance element R1 and second impedance element RI1 in a selectable and switched network (Fig. 5).

As per **claims 3,7** the circuit comprises blocking capacitor 89 (Fig. 5) in series with the first impedance element.

**5. Claims 8-15** rejected under 35 U.S.C. 102(e) as being anticipated by Thiele (6298046).

As per **claim 8**, Thiele discloses a device comprising an echo-cancel hybrid circuit coupled to a communication link to provide a selectable echo cancel characteristic (ABSTRACT).

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As per **claim 9**, the hybrid circuit comprises a plurality of hybrids (Fig. 9) coupled to a multiplexer (The switches 928,934,930,936 comprise a multiplexer that channels multiple signal paths ((nodes)) to a single output).

As per **claims 10,13**, the device is implemented on a two-wire transmission line that may inherently (by definition) support multiple signaling protocols (Col 1 lines 50-67).


As per **claims 11,14**, the hybrid circuit is selectable depending upon the protocol (operating frequency) being supported (Col 6 lines 16-36).

As per **claim 12**, the device may be implemented on a phone line (Col 1 lines 50-67).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 703-305-3433. The examiner can normally be reached on M-F 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 703-305-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9315 for After Final communications.

AJ  
April 12, 2004

  
CURTIS KUNTZ  
SUPERVISORY PATENT EXAMINER  
BIOLOGY CENTER 2600